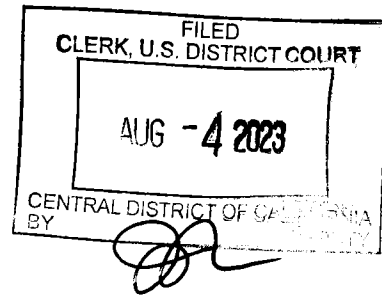


Case No.: No. 2:22-cv-08849-RGK-MAA



MARCIA PELLITTERI
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

MARCIA PELLITTERI,
Plaintiff,

vs.

TANGLE TEEZER, INC., a Kansas corporation
SHAUN PULFREY, an individual, TANGLE
TEEZER LTD a foreign corporation, and DOES 1
through 100, inclusive

Defendant(s)

) Case No.: No. 2:22-cv-08849-RGK-MAA

) **MARCIA PELLITTERI - PLAINTIFF'S
STATEMENT & REQUEST FOR
EXTENSION TO OBTAIN LEGAL
REPRESENTATION.**

) Date: August 2, 2023

) Crtm: 859 Roybal

) **HON. R. GARY KLAUSNER**

**PLAINTIFF'S STATEMENT AND REQUEST FOR EXTENSION TO OBTAIN LEGAL
COUNSEL**

Case No.: No. 2:22-cv-08849-RGK-MAA

I. PLAINTIFF'S STATEMENT:

I, the Plaintiff Marcia Pellitteri am writing to the Court to inform the Court of the following:

1. I have been very ill for some time with unexpected multiple very serious medical conditions. This was out of my control as happens with any unexpected illness. Serious complications set in, in addition to the multiple medical problems. Eventually I had to be admitted into the hospital in April 2023 and was there in the hospital into May 2023. The Hospital then transferred me to a medical rehabilitation facility for further medical treatments. I am still in this medical rehab facility receiving further treatments and care. I had medical setbacks in this facility as well.

2. My then attorney Gary Carlin assured me multiple times as did others in his office that he would inform the Court of my illness, hospitalization and transfer to the medical rehabilitation facility I am still in. Gary Carlin and others in his office assured me that Gary Carlin and/or others in his office would request from the Court an adequate extension of time for me on everything. I later found out that Gary Carlin and others in his office failed to do so amongst other things too lengthy for this particular document. If Gary Carlin did anything improper while I was ill or at any other time, such as while I was in the hospital and in the medical rehab facility I am still in, I am asking the Court to please see this for what it is as it was totally out of my control. Gary Carlin claims he had to fire the trademark attorney in his office due to misrepresentation and multiple errors which led to Gary losing a huge unrelated case. Gary Carlin also claims personal and business problems which put me unknowingly in the middle of his own problems if what he states is accurate. If I only knew then what I later discovered and know now. Gary Carlin and others at his office assured me multiple times that all three (3) Defendants that are currently known were served. Only thru depositions and discovery of the Defendants will it be known if there are other Defendants that are not known yet as of now. Time is needed to find this out amongst other things. Gary Carlin and others at his office appears to have concealed things until it was finally revealed to me by someone. I do not know if the Court is aware of this. This will be addressed at the proper time. So I am writing to the Court myself to inform the Court of this as well as this unexpected life event medical situation which was thru no fault of my own and can happen to anyone. I need to be properly represented by new legal counsel. Once I

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62 recover further and gain back more strength I will go over all with my new counsel to
63 bring all this to light and in turn, given the proper time, my new counsel can do so, so
64 the Court also knows.

65
66 3. Defendant's counsel is attempting to take advantage of my situation and has been
67 and still is trying to put attention to turn things on me the Plaintiff, most likely in his
68 attempt to take the Court's attention off his clients (Defendants) wrongdoings and
69 Trademark Infringement. Defendant's are out and out infringing. Also more may just
70 come out when Defendants complete discovery and all their depositions are completed.
71 This requires time for proper preparation by my new counsel and so it's done correctly
72 and not in rush mode where things can get compromised rushing.
73 Thank you in advance for your understanding.

74
75 4. Prior to this document, I contacted the Defendant's attorney John Rubiner to let him
76 know of my medical condition and my needing time to obtain proper legal counsel to
77 represent me..

78
79 5. I started seeking new legal counsel to properly represent me in this very important
80 case as I cannot be expected to represent myself as Defendant's counsel heartlessly
81 expected me to do.

82
83 6. My case is currently being evaluated by new counsel. This counsel contacted
84 Defendant's attorney John Rubiner to inform him of this and to request a mutually
85 agreeable extension to give her time to do so. Defendant's counsel refused her request.
86 Defendant's counsel also refused my request for further time as well as disregarding my
87 health and well being. He expected me to represent myself and appears to be taking
88 advantage of my situation that can happen to anyone.

89
90 7. I am still in this medical rehabilitation facility that the hospital finally was able to
91 stabilize me and transfer me to for further medical treatments.

92
93 8. I am writing the Court as there are two sides to this story and to date my side the
94 Plaintiff's side has not been heard in my opinion the way it needs to be.

95
96 9. Defendantsj are attempting to portray false statements about me to take attention
97 off the fact that the Defendants are continuing to defiantly use and infringe on my

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98 Trademark. Defendants are continuing to uses my Trademark to sell products for profit
99 to Defendants even after the USPTO declined Defendant(s) application with no regard
100 for the law and others.

101
102 10. I recently found out that this case should have been filed in Federal Court for
103 Trademark Infringement amongst other things as the USPTO and TTAB do not have the
104 authority to do what is needed in this case. This will also be addressed at the proper
105 time.

106
107 11. The Defendants filed for a trademark at the USPTO. Defendant(s) application was
108 declinted by the USPTO because I already have the Trademark since filed in 2004 and
109 registered in 2005. The USPTO declined Defendant's application saying it would cause
110 public confsuion or something to this effect. My trademark is used on my expansion
111 products and it will continue to be used. My products are celebrity endorsed.

112
113 12. The USPTO's decision to decline Defendant's application was and is correct.

114
115 13. There are unanswered important questions that need to be asked of Defendant's in
116 discovery and depositions which have not taken place yet for the Defendants and need
117 to be. I think a lot may come out when this does finally take place and shine even
118 further light on why there may be other things at play here.

119
120 **14. CONCLUSION:**

121
122 I am asking the Court to please grant me a ninety (90) day extension on everything for
123 the following:

124 In order to allow me more time to recover. So that I can be at my best in explaining the
125 facts to my new counsel, so the new counsel has adequate time to review the case files
126 in full without being in a rush mode where things can get compromised when put in a
127 rush mode position and so that I can be properly represented legally without being
128 compromised. Also to show the Court that the Defendant's total disregard of the use of
129 another's trademark to sell products for profit using my trademark to do so is a total
130 disregard of the law amongst other things. The USPTO's decision to decline Defendant(s)
131 application was and is correct. That time is needed for my new counsel to properly
132 prepare for the long awaited depositions and discovery of all Defendants which to date
133 have not taken place and need to take place. To have time to recover, spend time
134 explaining all to my new counsel and expose the Defendant's for their out and out

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135 Trademark Infringement using my trademark to sell Defendant's products for profit to
136 Defendant's, even after Defendant's were told not to and Defendant's total disregard of
137 the use of another's trademark. There is much more to this that needs to finally be told
138 to the Court that has not been addressed and questioned to date and needs to be.

139
140 I would like to thank you in advance for your kind understanding and cooperation
141 concerning this very important matter.
142

143 Dated: August 3, 2023

Respectfully Submitted

144 Marcia Pellitteri

145 Plaintiff – An Individual

146 By:

147
148 *Marcia Pellitteri*

149
150 _____
151 Marcia Pellitteri
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PROOF OF SERVICE

On August 3, 2023, I served this document(s) to the below named parties, document(s) described as:

MARCIA PELLITTERI - PLAINTIFF'S STATEMENT & REQUEST FOR EXTENSION TO OBTAIN LEGAL REPRESENTATION.

This has been served to the Defendant's Attorney John Rubiner of Freeman Mathis & Gary LLP, as stated below via email and in the mail.

FREEMAN MATHIS & GARY, LLP , ,

JOHN K. RUBINER

E-Mail: jrubiner@fmglaw.com

550 South Hope Street, Suite 2200

Los Angeles, California 90071-2627

Phone: (213) 615-7000; FAX (833) 264-2083

Attorneys for Defendants Tangle Teezer, Inc., Tangle Teezer, Ltd &

Shaun Pulfrey an individual.

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